

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

Plaintiff,

vs.

Cr. No. 10-773 JB

JOHN LEONARD TSOSIE

Defendant.

DEFENDANT TSOSIE' SECOND MOTION *IN LIMINE*

The Defendant, JOHN LEONARD TSOSIE, by his attorney Samuel L. Winder, and pursuant to Federal Rules of Evidence 403, moves this Court to preclude the Government from the making any mention of Father's Day and limit testimony concerning the alleged victims to the fact they were married.

1. Mr. Tsosie requests this Court issue an Order that the Assistant United States Attorneys make no reference to June 19, 2011 being Father's Day in any matter at trial.
2. In addition, Mr. Tsosie requests this Court issue an Order that will preclude the Assistant United States Attorneys from making any comments, argument or introduce any evidence regarding Mr. and Mrs. Johnson relationship with each other than the fact that they were married. Any other issues regarding their relationship may draw sympathy from the jury.
3. In addition, any reference to the issues set forth in paragraphs 1 and 2 above are

not admissible, pursuant to Fed.R.Evid. 401 and 402. Even if the evidence would be admissible, the evidence should not be admitted pursuant to Fed.R.Evid. 403.

WHEREFORE, Defendant respectfully requests an order *in limine* prohibiting the United States: 1) from making any reference to Father's Day in argument or evidence; and 2) eliciting any testimony or argument concerning Mr. and Mrs. Johnson relationship, other than the fact that they were married.

Respectfully submitted,

_____-s-_____
Samuel L. Winder
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I hereby certify that on June 9, 2011
I filed the foregoing electronically through CM/ECF
System, which caused Counsel for the Government
to be served by Electronic means, as
more fully reflected in the Notice of Electronic Filing.

_____-s-_____
Samuel L. Winder